

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
Case No. 7:23-cv-897

IN RE: CAMP LEJEUNE TOXIC WATER  
EXPOSURE LITIGATION

**PLAINTIFFS' PROPOSAL OF TOPICS FOR  
CONSIDERATION RELATED TO TRACK 1  
TRIALS**

This document relates to:

ALL CASES

Pursuant to the Court's invitation at the April 24, 2024 Status Conference (the "Status Conference"), the Plaintiffs' Leadership Group ("PLG") respectfully submits for the Court's consideration proposed topics for potential discussion should the Court desire to hold conferences under Federal Rule of Civil Procedure 16.

Underpinning the topics below are two critical, overarching goals: (i) utilizing trials to foster a global resolution; and (ii) the structure, timing, and methods for streamlining cases for trial.

I. Resolution Issues

- Process for integration of trial outcomes into resolution process;
- Special master selection and use to further resolution; and

II. Individual Court Preferences

III. Discussion of a presentation to the Court regarding CLJA foundational issues

- CLJA standard of proof: equipoise (at least as likely as not);
- Water contamination/days of presence on base; and
- General causation for each Track 1 disease.

IV. Determining status of government reports: stipulations, admissions, pretrial procedures

- Water modelling data; and
- ATSDR health studies.

#### V. Trial structure considerations

- Use of single versus consolidated multiple plaintiff trials (Rule 42(a));
- Trial by disease (ie. all bladder cancer, Parkinson's Disease, etc.);
- Reverse bifurcation seeking to establish damages first trials pursuant to Rule 42(b);
- Potential use of advisory jury trials pursuant to Rule 39;
- Common question trials pursuant to Rule 42(b);
- Summary trials and/or focus groups; and
- Whether to examine *Daubert* issues at a separate hearing or to integrate into first trials.

#### VI. Selection of Trial Plaintiffs

- How to review and choose plaintiffs.
  - For example, single primary disease cases where a plaintiff is only alleging single illness as a result of exposure to water at Camp Lejeune (in contrast to secondary diseases from treatment) versus plaintiffs alleging multiple illnesses as a result of exposure to water at Camp Lejeune;
- Expediting or prioritizing trials for in extremis/gravely ill plaintiffs.
  - For example, the Stephen Dunning matter (Case No. 7:23-cv-1364) and Edgar Peterson, IV matters (Case No. 7:23-cv-01576).

#### VII. Trial Logistics

- Timing and conceptual scheduling of trials across the four judges;
- Technological considerations; and
- Trial length.

The PLG submits the foregoing as a respectful suggestion and, of course, is very willing to discuss these topics and/or any topics the Court would wish to discuss about the Track 1 trial process.

Date: May 3, 2024

Respectfully Submitted

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**CERTIFICATE OF SERVICE**

I, J. Edward Bell, III, hereby certify that the foregoing document was electronically filed on the Court's CM/ECF system on this date, and that all counsel of record will be served with notice of the said filing via the CM/ECF system.

This the 3rd day of May, 2024.

/s/ J. Edward Bell, III\_\_\_\_\_

J. Edward Bell, III